

ORDINANCE REGULATING THE GRANTING OF PERMITS FOR PYROTECHNIC DISPLAY FIREWORKS AND CONSUMER FIREWORKS DISPLAYS

WHEREAS, Public Act 94-0658 authorizes County Boards to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer fireworks displays in the unincorporated areas of the county; and

WHEREAS, the County Board of McLean County, Illinois deems it necessary and in the public interest to enact an Ordinance establishing such rules and regulations for the granting of such permits so long as such displays are not hazardous to property or dangerous to any person or persons; now therefore,

BE IT ORDAINED by the County Board of McLean County, Illinois as follows:

37.01 Definitions

Sec. 1. Definitions. As used in this Ordinance, the following words shall have the following meanings:

"1.3G fireworks" means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 *C.F.R* 172.101.

"Consumer fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 *C.F.R.* Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 *C.F.R.* 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

"Consumer fireworks display" or "consumer display" means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

"Consumer operator" means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in 425 *ILCS* 35/2.2.

"Display fireworks" means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Operator Licensing Act. (225 ILCS 227/1 et seq.)

"Lead pyrotechnic operator" means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display and who is licensed pursuant to the Pyrotechnic Operator Licensing Act. (225 ILCS 227/1 et seq.)

"Person" means an individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

"Pyrotechnic display" means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Operator Licensing Act. (225 ILCS 227/1 et seq.)

37.02 Unlawful display of fireworks

It shall be unlawful for any person to display or allow to be displayed consumer fireworks and/or display fireworks in the unincorporated areas of McLean County without a permit.

37.03 Pyrotechnic displays

Pyrotechnic displays of display fireworks in the unincorporated areas of McLean County shall be permitted upon compliance with the following conditions:

- A. All persons shall file an application for a pyrotechnic display permit at least 15 days in advance of the date of the pyrotechnic display.
- B. The application for a pyrotechnic display permit shall contain identifying information for the person sponsoring the display, the exact location of the display, the exact date and time of the display, and identifying information for the individual who is the licensed lead pyrotechnic operator supervising the display.
- C. The application shall be accompanied by a certificate of insurance from an insurance company licensed to do business in the State of Illinois evidencing a minimum of \$1,000,000 in liability coverage.
- D. The application shall also be accompanied by a current and valid copy of the lead pyrotechnic operator's license.
- E. The application shall also be accompanied by a written approval letter or permit issued by the chief of the fire department providing fire protection coverage to the area of the display, or his or her designee, in accordance with State law.

- F. After the permit has been granted, the possession, use and display of display fireworks shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- G. No permit shall be required for supervised displays of State or County fair associations.
- H. Applicant shall pay a fee in the amount of \$25.00 plus a Clerk's fee in the amount of \$20.00 to the McLean County Clerk.
- I. Provided that the application requirements have been met by the applicant, a Pyrotechnic Fireworks Display Permit shall be issued by the McLean County Clerk.

37.03 Consumer displays

- A. All persons shall file an application for a consumer display permit at least 15 days in advance of the date of the consumer display.
- B. The application for a consumer display permit shall contain identifying information for the person sponsoring the display, the exact location of the display, the exact date and time of the display, and identifying information for the consumer operator handling the display who shall have received training from a consumer fireworks training class approved by the Office of the State Fire Marshall.
- C. The application shall be accompanied by a certificate of insurance from an insurance company licensed to do business in the State of Illinois evidencing a minimum of \$100,000 per occurrence for bodily injury and property damage.
- D. The application shall also be accompanied by a current and valid copy of written proof that the consumer operator handling the display has received training from a consumer fireworks training class approved by the Office of the State Fire Marshall.
- E. The application shall also be accompanied by a written approval letter or permit issued by the fire chief providing fire protection coverage to the area of the display, or his or her designee, in accordance with State law.
- F. The applicant shall also be subject to a criminal background check as a condition of issuing a permit.
- G. After the permit has been granted, the possession, use and display of display fireworks shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

- H. Applicant shall pay a fee in the amount of \$25.00 plus a Clerk's fee in the amount of \$20.00 to the McLean County Clerk.
- I. Provided that the application requirements have been met by the applicant, a Consumer Fireworks Display Permit shall be issued by the McLean County Clerk.

37.04 Adoption by Reference

The rules and regulations, as may from time to time be amended, for the administration of the Fireworks Use Act (425 ILCS 35/0.01 *et. seq.*), by the State Fire Marshal, including, but not limited to, National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, NFPA 1126 guidelines for proximate audience displays, audience proximity distances for consumer display fireworks, and the list of approved consumer fireworks are adopted herein by reference.

37.05 Penalty

Any person violating any provision of this Ordinance shall be guilty of a petty offense punishable by a fine of not to exceed \$500.00.

37.06 Repeal

The *Ordinance Regulating the Granting of Permits for the Supervised Display of Fireworks* dated August 15, 1995, is hereby repealed.

Adopted this ____ day of _____, 2006.

APPROVED:

Michael F. Sweeney, Chairman
McLean County Board

ATTEST:

Peggy Ann Milton, Clerk of the County
Board of McLean County, Illinois